



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

IFW

Applicant: Jude S. Sauer
Serial No.: 10/772,185 Confirmation No: 4686
Filed: 02/04/2004
For: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF
TISSUE AND METHOD OF USE
Examiner: Victor X. Nguyen Art Unit: 3734
Atty. Docket: LS-006CV

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated May 3, 2007, Applicant elects Group I, Claims 1-10 with traverse. Applicant traverses this requirement on the grounds that the instrument claims and method claims both describe cutting tissue along a prescribed path from an instrument's distal end, such as dictated by a guide tube (Claims 1 and 8) or a guide wire (Claims 6 and 11) extending through the instrument's shaft, and thus such claims are not materially different, and clearly would not impose a "serious burden" under MPEP §808.02 to examine Claims 1-14 together. Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

Kenneth J. LuKacher
Attorney for Applicant
Registration No. 38,539

Dated: June 4, 2007

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